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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,832	06/25/2001	John Ruckart	60027.0002US01/BS00375	9399
39262	7590	09/09/2004	EXAMINER	
BELLSOUTH CORPORATION P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			ESCALANTE, OVIDIO	
			ART UNIT	PAPER NUMBER
			2645	
DATE MAILED: 09/09/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/888,832

Applicant(s)

RUCKART, JOHN

Examiner

Ovidio Escalante

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6-28-2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,30,34,44,45 and 47-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,30,34,44,45 and 47-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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DETAILED ACTION

1. This action is in response to applicant's amendment filed on June 28, 2004. Claims 1,30,34,44,45 and 47-50 are now pending in the present application.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 28, 2004 has been entered.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 30, 34, 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nabkel US Patent 5,999,613 in view of Shnier US Pub. 2002/0009184 and further in view of Lee US Patent Pub. 2002/0183098.

Regarding claims 1,34 and 45, Nabkel teaches a method for providing visual caller identification in an Advanced Intelligent Network, (col. 3, lines 45-48,54-59), including a switch (SSP; col. 4, lines 7-18), a service control point (SCP; col. 4, lines 20-29) and a database of caller identification information, (col. 5, lines 13-19), wherein the service control point is functionally connected to the switch, (fig. 3), and wherein the method comprises the steps of:

saving a plurality of directory numbers, (ID numbers; col. 5, lines 19-30);

receiving a call from a calling party at a calling party switch directed to a called party at a called party switch, (col. 4, line 66-col. 5, line 2; fig. 3);

sending call information associated with the caller to the service control point, (adjunct processor/software module 12; col. 3, lines 65-67), the call information including the directory number of the calling party, (col. 5, lines 13-19);

at the service control point, (SCP), query the database of caller identification information for caller identification information associated with the caller, (col. 5, lines 19-24);

sending the caller identification information to a called party caller identification device via the called party switch, (col. 3, lines 44-48; the subscriber's device receives a visual indicator information); and

comparing the directory number of the calling party with the one or more of the plurality of directory numbers, (col. 5, lines 19-24).

Nabkel does not specifically teach of displaying different identification indicators based upon the received caller identification information.

Shnier teaches a method of providing visual caller identification, (paragraph 89; fig. 3; LEDs 201, 202, and 203 show whether the caller ID information had a reason code).

Shnier further teaches that it was well known in the art to have receive caller ID information and if one of the directory numbers saved by the called party matches the directory number of the calling party, displaying a first identification indicator, and displaying the caller identification information associated with the call, (paragraphs 0054 and 0101; LED 201 "recognized" is illuminated and the caller name and number is displayed);

if one of the directory numbers saved by the called party does not match the directory number of the calling party, displaying a second identification indicator, and displaying the caller identification information associated with the call, (paragraphs 0054 and 0098; LED 202 “unrecognized” is illuminated); and

if no caller identification associated with the call, displaying a third identification indicator, and displaying a message that no caller identification information associated with the call is available, (paragraphs 0035 and 0093; LED 203 “unavailable” is illuminated and the standard caller ID identifier “private” or “out of area” is displayed).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Nabkel by displaying three different visual indicators based upon the received caller ID as taught by Shnier so that a user can decide, based on illuminating lights and without having to go to read a display, whether to answer a call.

While Nabkel in view of Shnier teach of lighting LEDs based on at least three different types of incoming calls, Nabkel and Shnier do not specifically teach of flashing in sequence the LED lights to indicate the different types of incoming calls.

In the same field of endeavor, Lee teaches that it was well known in the art to flash LED in sequence so that the user can be aware of the type of incoming call, (paragraph 0008). Lee teaches that flashing one or more lights emitting elements in sequence is done to make the device more attractive.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the LED lights of Nabkel and Shnier by flashing the LED in sequence as taught by Lee so that the incoming call can alert the user more attractively.

Regarding claims 30 and 44, Nabkel in view of Shnier teach wherein displaying a message that no caller identification information associated with the call is available, further includes:

if caller identification information associated with the call is blocked from display, displaying an indication that the call is a private call, (paragraph 0035; “Private” is displayed, Shnier); and

if caller identification information associated with the call is not located during querying a database for caller identification information associate with the call, displaying an indication that the call from an unknown calling area, (paragraph 0093, “Out of Area” is displayed; Shnier).

As discussed above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Nabkel by displaying indicators based upon the received caller ID as taught by Shnier so that a user can decide, without having to go to read a display, whether to answer a call.

5. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schnarel et al. US Patent 6,389,124 in view of gwmizer@bellsouth.net, Projected Caller ID, (hereinafter Gwmizer).

Regarding claim 47, Schnarel teaches a method of providing visual caller identification, (fig. 1; col. 12, lines 14-43), comprising the steps of:

saving a plurality of directory numbers (contact numbers), (col. 11, lines 41-62);

saving visual information for each of the plurality of directory numbers, (col. 11, lines 41-62; the user can edit the contact information and save the information in the contacts database; col. 5, lines 19-28; col. 14, lines 8-9);

receiving a call at a caller identification device, (col. 12, lines 30-34);

querying a database (contact database) for caller identification information associated with the call, (col. 12, lines 30-37);

sending the caller identification information to a caller identification device, (col. 11, lines 63-12; col. 12, lines 34-37);

comparing the directory number associated with the call with the plurality of directory numbers, (col. 12, lines 30-37);

if one of the plurality of directory number matches the directory number associated with the call, displaying the saved information associated with the directory number onto a display, (col. 12, lines 34-37); and

if one of the plurality of directory numbers does not match the directory number associated with the call, displaying caller identification information associated with the call onto a display, (col. 12, lines 37-59; table 5).

While Schnarel teaches of displaying the caller identification, Shnier does not specifically teach of projecting the caller identification onto a projection surface.

Gwmizer teaches that it was well known in the art to have a caller ID device that is capable of projecting the caller ID onto a projection surface. Gwmizer teaches that one would have been motivated to project the caller ID a person can be asleep in bed and be able to look up at the ceiling to see who is caller at 2 am, (see description of eBay item).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Scharel by projecting the caller ID onto a projection

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surface as taught by Gmizer so that a user can view the incoming call from a remote surface without having to go to the actual caller ID display.

6. Claims 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shnier US Pub. 2002/0009184 in view of Lee US Patent Pub. 2002/0183098.

Regarding claims 48 and 50, Shnier teaches a caller identification device and a method for providing visual caller identification (paragraphs 0087 and 0089) comprising:

- circuity, (fig. 1), operative to receive a call, (paragraphs 0080-0083);
- to receive caller identification information associated with the call, (paragraph 0087 and 0088);
- to store a plurality of directory numbers, (paragraphs 0087 and 0088);
- to associate a first lighted LED with the plurality of directory numbers, (paragraphs 0054 and 0101);
- to compare the directory number associated with the call with the plurality of directory numbers, (paragraphs 0093 and 0094);
- if one of the plurality of directory numbers matches the directory number associated with the call, to light a first LED, and to display the caller identification information associated with the call, (paragraphs 0054 and 0101; LED 201 “recognized” is illuminated and the caller name and number is displayed);
- if one of the plurality of directory numbers does not match the directory number associated with the call, to light a second LED, and to display the caller identification information associated with the call, (paragraphs 0054 and 0098; LED 202 “unrecognized” is illuminated); and

if no caller identification information associated with the call is location , to light a third LED, and to display a message that no caller identification information associated with the call is available, (paragraphs 0035 and 0093; LED 203 “unavailable” is illuminated and the standard caller ID identifier “private” or “out of area” is displayed).

While Shnier teaches of lighted LED based on at least three different types of incoming calls, Shnier does not specifically teach of flashing in sequence the LED lights to indicate the different types of incoming calls.

In the same field of endeavor, Lee teaches that it was well known in the art to flash LED in sequence so that the user can be aware of the type of incoming call, (paragraph 0008). Lee teaches that flashing one or more lights emitting elements in sequence is done to make the device more attractive.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the LED lights of Shnier by flashing the LED in sequence as taught by Lee so that the incoming call can alert the user more attractively.

Regarding claim 49, Shnier teaches wherein the circuitry comprises a microprocessor and associated programming, (paragraph 81).

Response to Arguments

7. Applicant's arguments with respect to claims 1,30,34,44,45,47-50 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pope US Patent Pub. 2004/0125929 teaches of projecting caller ID onto a projection surface.

9. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

(703) 872-9306, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 703-308-6262. The examiner can normally be reached on M-F (6:30AM - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ovidio Escalante
Examiner
Group 2645
September 1, 2004



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PATENT EXAMINER